Form J(2) **IN THE HIGH COURT AT CALCUTTA**
Criminal Revisional Jurisdiction
Appellate Side

Present :
The Hon'ble Justice Bibek Chaudhuri

C.R.R. 2081 of 2005

Tazammal Hossain @ Tozommal Hossain
Vs.
Golchehara Begam

For the Petitioner : Mr. Debasish Roy

Heard on : 09.11.2021

Judgment On : 09.11.2021

Bibek Chaudhuri, J.

An order passed in Misc. Case No.7 of 1994 under Section 3(2) of the Muslim Women (Protection of Rights on Divorce) Act, 1986 passed by the learned Sub-Divisional Judicial Magistrate, Arambagh, Hooghly is under challenge in the instant criminal revision.

The opposite party/husband is the petitioner before this Court. The grounds of challenging legality, validity and propriety of the aforesaid interim order are as follows:-

The petitioner divorced his wife/opposite party on 2nd December, 1989. According to him, at the time of marriage Den mohar was fixed at Rs.7001/- and the said amount was paid immediately after pronouncement of divorce by the petitioner to the father of the opposite party. It is further alleged by the petitioner that by passing impugned order the learned Sub-Divisional Judicial Magistrate directed him to pay a sum of Rs.7,500/- as maintenance for the Iddat period and Rs.7001/- as Den mohar. The petitioner was further directed to return the gold ornaments being 'stridhan' properties to the opposite party. It is contended by the petitioner that the learned Magistrate failed to appreciate the evidence on record adduced by the parties at the time of hearing the Misc. Case No.7 of 1994.

In this regard it is no longer a res integra that the scope of Revisional Court is very limited. The Revisional Court cannot re-appreciate the evidence on record adduced by the parties during trial of the case. It is needless to say that an order under Section 3(2) of the Muslim Women (Protection of Rights on Divorce) Act, 1986 is final in nature. The order was passed after the parties laid

evidence. The scope of the Revisional Court is to consider as to whether there is any error apparent on the face of the order. I have carefully gone through the impugned order. The learned Magistrate framed as many as four points for determination of the dispute between the parties. The opposite party claimed a sum of Rs.1,00000/- (Rupees one lakh) towards fair and reasonable provision for her maintenance for post Iddat period. The learned Magistrate on proper consideration of entire evidence on record awarded a sum of Rs.7,500/- towards her maintenance. I do not find any illegality or impropriety in the said order.

In view of above discussion, the instant revision being devoid of any merit is dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties on usual undertakings.

(Bibek Chaudhuri, J.)